IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 171 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHENDRASINH KESARISINH

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR RC KODEKAR APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/03/2001

ORAL JUDGEMENT

#. Rule. Mr.Kodekar, learned APP waives service of Rule on behalf of respondents. Looking to the nature of the case and on the request of the learned counsel for the respondent, the matter is taken up for final hearing.

#. Heard learned counsel for the respondents and perused the papers with his help. From the letter of Deputy Superintendent, Central Jail, Baroda, I find that the application of the petitioner for furlough leave was decided on 10.1.2001 with the direction to the petitioner to arrange the new surety and then to apply afresh. The petitioner is praying that on personal bond he may be released on furlough. The petitioner has been convicted for the offence under Section 302 of the IPC. The petitioner has filed appeal against the order of conviction and the same is pending before this court. Looking to the nature of offence for which the petitioner is connected and punished, I do not find it to be a fit case where he is entitled to the benefit of furlough leave on the personal bond.

#. The special criminal application is disposed of in the terms that in case the petitioner deposits Rs.25,000/= in this court, the I.G. Prisons may consider his application fresh for furlough leave and pass the order in accordance with law. It is made clear that in case on deposit of Rs.25,000/= in this court, the I.G. Prisons grants his application for furlough leave and the petitioner surrenders in time, he may file a simple note for withdrawal of this amount of Rs.25,000/= deposited in this court on which, the court will pass the order accordingly. Rule stands disposed of in the terms aforesaid with no order as to costs.

(S.K.Keshote, J.)

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